



Reprinted
February 17, 2006

ENGROSSED SENATE BILL No. 285

DIGEST OF SB 285 (Updated February 16, 2006 3:27 pm - DI 103)

Citations Affected: IC 9-13; IC 10-14; IC 36-8.

Synopsis: Emergency management. Provides that vehicles owned by the department of homeland security (department), county emergency management organizations, and interjurisdictional disaster agencies may be designated as emergency vehicles. Requires the department to establish a program to certify emergency management organizations and professional emergency managers. Requires a county emergency management organization or an interjurisdictional disaster agency in which a county participates to be certified as an emergency management organization. Provides for the establishment of an interjurisdictional disaster agency advisory council. Provides for the appointment of representatives from certain organizations and units of government to a county emergency management advisory council and an interjurisdictional disaster agency advisory council. Requires a county emergency management director to be certified as a professional emergency manager. Provides that a county may establish a county emergency operations center. Provides that the establishment and maintenance of a county emergency operations center is funded through distributions from emergency telephone system fees and the wireless emergency telephone system fund.

Effective: July 1, 2006.

Wyss, Craycraft, Delph
(HOUSE SPONSORS — RUPPEL, CROUCH, WELCH)

January 9, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
January 17, 2006, reported favorably — Do Pass.
January 24, 2006, read second time, amended, ordered engrossed.
January 25, 2006, engrossed.
January 26, 2006, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 2, 2006, read first time and referred to Committee on Public Safety and Homeland Security.
February 13, 2006, amended, reported — Do Pass.
February 16, 2006, read second time, amended, ordered engrossed.

ES 285—LS 6947/DI 103+



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February 17, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 285

A BILL FOR AN ACT to amend the Indiana Code concerning
public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 6. "Authorized emergency vehicle"
3 means the following:

4 (1) The following vehicles:

5 (A) Fire department vehicles.

6 (B) Police department vehicles.

7 (C) Ambulances.

8 (D) Emergency vehicles operated by or for hospitals or health
9 and hospital corporations under IC 16-22-8.

10 (2) Vehicles designated as emergency vehicles by the Indiana
11 department of transportation under IC 9-21-20-1.

12 (3) Motor vehicles that, subject to IC 9-21-20-2, are approved by
13 the Indiana emergency medical services commission that are:

14 (A) ambulances that are owned by persons, firms, limited
15 liability companies, or corporations other than hospitals; or

16 (B) not ambulances and that provide emergency medical
17 services, including extrication and rescue services (as defined

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in IC 16-18-2-110).

(4) Vehicles of the department of correction that, subject to IC 9-21-20-3, are:

(A) designated by the department of correction as emergency vehicles; and

(B) responding to an emergency.

(5) Vehicles of the department of homeland security established under IC 10-19-2-1 that are designated by the department of homeland security as emergency vehicles.

(6) Vehicles of a county emergency management organization established under IC 10-14-3-17 or an interjurisdictional disaster agency established under IC 10-14-3-17.5 that are designated by the county emergency management organization or interjurisdictional disaster agency as emergency vehicles.

SECTION 2. IC 10-14-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. As used in this chapter, "disaster agency" refers to an interjurisdictional disaster agency.**

SECTION 3. IC 10-14-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. As used in this chapter, "county emergency operations center" means a facility used by a county emergency management organization or an interjurisdictional disaster agency to perform emergency direction and control functions before, during, and after an emergency.**

SECTION 4. IC 10-14-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5.3. As used in this chapter, "interjurisdictional agency" or "interjurisdictional disaster agency" means a disaster agency formed by two (2) or more political subdivisions.**

SECTION 5. IC 10-14-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9. (a) The agency shall prepare and maintain a current state emergency operations plan. The plan may provide for the following:**

(1) Prevention and minimization of injury and damage caused by disaster.

(2) Prompt and effective response to disaster.

(3) Emergency relief.

(4) Identification of areas particularly vulnerable to disaster.

(5) Recommendations for:

(A) zoning;

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- 1 (B) building;
- 2 (C) other land use controls;
- 3 (D) safety measures for securing mobile homes or other
- 4 nonpermanent or semipermanent structures; and
- 5 (E) other preventive and preparedness measures designed to
- 6 eliminate or reduce a disaster or its impact;
- 7 that must be disseminated to both the fire prevention and building
- 8 safety commission and local authorities.
- 9 (6) Assistance to local officials in designing local emergency
- 10 action plans.
- 11 (7) Authorization and procedures for the erection or other
- 12 construction of temporary works designed to protect against or
- 13 mitigate danger, damage, or loss from flood, conflagration, or
- 14 other disaster.
- 15 (8) Preparation and distribution to the appropriate state and local
- 16 officials of state catalogs of federal, state, and private assistance
- 17 programs.
- 18 (9) Organization of manpower and chains of command.
- 19 (10) Coordination of federal, state, and local disaster activities.
- 20 (11) Coordination of the state disaster plan with the disaster plans
- 21 of the federal government.
- 22 (12) Other necessary matters.
- 23 (b) The agency shall take an integral part in the development and
- 24 revision of local and interjurisdictional disaster plans prepared under
- 25 section 17 of this chapter. The agency shall employ or otherwise secure
- 26 the services of professional and technical personnel capable of
- 27 providing expert assistance to political subdivisions, a political
- 28 subdivision's disaster agencies, and interjurisdictional planning and
- 29 disaster agencies. These personnel:
- 30 (1) shall consult with subdivisions and government agencies on
- 31 a regularly scheduled basis;
- 32 (2) shall make field examinations of the areas, circumstances, and
- 33 conditions to which particular local and interjurisdictional
- 34 disaster plans are intended to apply; and
- 35 (3) may suggest revisions.
- 36 (c) In preparing and revising the state disaster plan, the agency shall
- 37 seek the advice and assistance of local government, business, labor,
- 38 industry, agriculture, civic and volunteer organizations, and community
- 39 leaders. In advising local and interjurisdictional **disaster** agencies, the
- 40 agency shall encourage local and interjurisdictional **disaster** agencies
- 41 to seek advice from the sources specified in this subsection.
- 42 (d) The state disaster plan or any part of the plan may be

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incorporated in rules of the agency or by executive orders.

(e) The agency shall do the following:

(1) Determine requirements of the state and political subdivisions for food, clothing, and other necessities in the event of an emergency.

(2) Procure and pre-position supplies, medicines, materials, and equipment.

(3) Adopt standards and requirements for local and interjurisdictional disaster plans.

(4) Provide for mobile support units.

(5) Assist political subdivisions, political subdivisions' disaster agencies, and interjurisdictional disaster agencies to establish and operate training programs and public information programs.

(6) Make surveys of industries, resources, and facilities in Indiana, both public and private, necessary to carry out this chapter.

(7) Plan and make arrangements for the availability and use of any private facilities, services, and property, and if necessary and if the private facilities, services, or property is used, provide for payment for the use under agreed upon terms and conditions.

(8) Establish a register of persons with types of training and skills important in emergency prevention, preparedness, response, and recovery.

(9) Establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency.

(10) Prepare, for issuance by the governor, executive orders, proclamations, and regulations necessary or appropriate in coping with disaster.

(11) Cooperate with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery.

(12) Do other things necessary, incidental, or appropriate to implement this chapter.

(f) The agency shall ascertain the rapid and efficient communications that exist in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating these resources into a comprehensive intrastate or state-federal telecommunications or other communications system or network. In studying the character and feasibility of any system, the agency shall evaluate the possibility of multipurpose use of the system for general state and local governmental purposes. The

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agency shall make appropriate recommendations to the governor.

(g) The agency shall develop a statewide mutual aid program to implement the statewide mutual aid agreement.

SECTION 6. IC 10-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) A political subdivision is:

(1) within the jurisdiction of; and

(2) served by;

a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

(1) maintain:

(A) a county emergency management advisory council; and

(B) a county emergency management organization **that is certified as an emergency management organization under IC 10-14-10;** or

(2) participate in an interjurisdictional disaster agency that:

(A) except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county; **and**

(B) **is certified as an emergency management organization under IC 10-14-10.**

(c) The following are not required to be certified as emergency management organizations under IC 10-14-10 until July 1, 2010:

(1) A county emergency management organization that exists on July 1, 2006.

(2) An interjurisdictional disaster agency in which a county participates that exists on July 1, 2006.

This subsection expires July 2, 2010.

~~(c)~~ (d) The county emergency management advisory council consists of the following individuals or their designees:

(1) The president of the county executive or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.

(2) The president of the county fiscal body.

(3) The mayor of each city located in the county.

(4) An individual representing the legislative bodies of all towns located in the county.

(5) Representatives of private and public agencies or organizations that can assist emergency management considered appropriate by the county emergency management advisory

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council.

(6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.

(e) Notwithstanding subsection (d), after December 31, 2006, the county executive shall, by resolution or ordinance, appoint the members of the county emergency management advisory council in accordance with the following:

(1) At least one (1) representative from each of the following categories:

(A) An elected county official, including a member of the county executive or a member of the county fiscal body.

(B) An elected city official from a city in the county, if there is a city in the county.

(C) An elected town official from a town in the county.

(D) An officer or member of a fire department located within the county.

(E) A law enforcement officer of the county or a unit of government in the county.

(F) A public health officer of the county or a unit of government in the county.

(G) A representative of other public or private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, or a public or private airport.

(2) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(3) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(4) Appointments are not effective until approved by the agency.

~~(d)~~ (f) The county emergency management advisory council shall do the following:

(1) Exercise general supervision and control over the emergency management and disaster program of the county.

(2) Select or cause to be selected, with the approval of the county

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executive, a county emergency management ~~and disaster~~ director who:

(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; ~~and~~

(B) is responsible to the chairman of the county emergency management advisory council;

(C) shall act full time in the capacity of county emergency management director;

(D) must be a full-time employee of:

(i) the county; or

(ii) one (1) of two (2) counties acting jointly under IC 36-1-7; and

(E) must be certified as a professional emergency manager under IC 10-14-9.

(g) An individual who is employed by a county as the county emergency management director on July 1, 2006, may continue to act as the county emergency management director until July 1, 2010, without:

(1) being a full-time employee of:

(A) the county; or

(B) one (1) of two (2) counties acting jointly under IC 36-1-7;

(2) being certified as a professional emergency manager; or

(3) obtaining a provisional certificate under IC 10-14-9.

This subsection expires July 2, 2010.

~~(e)~~ **(h)** Notwithstanding any provision of this chapter or other law to the contrary, the ~~governor~~ **director** may require a political subdivision to establish and maintain ~~a~~ **an interjurisdictional** disaster agency jointly with one (1) or more ~~contiguous~~ political subdivisions **that are contiguous to or share common territory with the political subdivision**, with the concurrence of ~~the all~~ affected political ~~divisions~~ **subdivisions**, if the ~~governor~~ **director** finds that the establishment and maintenance of **or participation in** an agency ~~or participation in one~~ **(†)** is necessary by circumstances or conditions that make it unusually difficult to provide:

(1) disaster prevention;

(2) preparedness;

(3) response; or

(4) recovery services;

under this chapter.

~~(f)~~ **A political subdivision that does not have a disaster agency and**

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has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:

- (1) disaster prevention;
- (2) preparedness;
- (3) response; and
- (4) recovery.

(i) Each political subdivision in a county shall cooperate with and participate in the services of the:

- (1) county emergency management organization; or
- (2) interjurisdictional disaster agency;

that serves the county. For all matters relating to emergency management, including disaster preparedness, response, and recovery, the single point of contact between the county, the political subdivisions in the county, and the agency is the county emergency management director or the interjurisdictional emergency management director, as applicable.

~~(g)~~ (j) The county emergency management and disaster director and personnel of the department may county emergency management organization shall be provided with appropriate:

- (1) office space;
- (2) furniture;
- (3) vehicles;
- (4) communications;
- (5) equipment;
- (6) supplies;
- (7) stationery; and
- (8) printing;

in the same manner as provided for personnel of other county agencies.

~~(h)~~ (k) Each local agency or interjurisdictional disaster agency shall:

- (1) prepare; and
- (2) keep current;

a local or interjurisdictional disaster emergency plan for its area.

~~(i)~~ (l) The local agency or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:

- (1) the emergency responsibilities of all local agencies and officials; and
- (2) the disaster chain of command.

~~(j)~~ (m) Each political subdivision may do the following:

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(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the state emergency management agency.

(2) Appoint, employ, remove, or provide, with or without compensation:

(A) rescue teams;

(B) auxiliary fire and police personnel; and

(C) other emergency management and disaster workers.

(3) **For a political subdivision other than a county**, establish:

(A) a primary; and

(B) one (1) or more secondary;

direction and control centers to serve as command posts during an emergency.

(4) Subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:

(A) firefighting;

(B) engineering;

(C) rescue;

(D) health, medical, and related services;

(E) police;

(F) transportation;

(G) construction; and

(H) similar items or services;

for emergency management and disaster purposes within or outside the physical limits of the political subdivision. ~~and~~

(5) In the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:

(A) the performance of public work;

(B) the entering into of contracts;

(C) the incurring of obligations;

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- (D) the employment of permanent and temporary workers;
- (E) the use of volunteer workers;
- (F) the rental of equipment;
- (G) the purchase and distribution of supplies, materials, and facilities; and
- (H) the appropriation and expenditure of public funds.

(n) A county emergency management director shall appoint staff and employees of the county emergency management organization, if applicable. An appointment under this subsection is subject to the approval of the county emergency management advisory council.

(o) A county:

(1) shall establish one (1) primary; and

(2) may establish one (1) or more secondary;

direction and control centers to serve as command posts during an emergency or disaster.

SECTION 7. IC 10-14-3-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 17.5. (a) Each political subdivision that seeks to establish an interjurisdictional disaster agency shall enter into an agreement that sets forth the following:**

(1) The duration of the interjurisdictional disaster agency.

(2) The establishment of an interjurisdictional disaster agency advisory council to administer the interjurisdictional disaster agency. The interjurisdictional disaster agency advisory council must comply with the following:

(A) At least one (1) representative from each of the following categories:

(i) An elected county official, including a member of the county executive or fiscal body, from each county served by the interjurisdictional disaster agency.

(ii) An elected city official from one (1) city in at least one (1) county served by the interjurisdictional disaster agency, if there is a city in a county served by the interjurisdictional disaster agency.

(iii) An elected town official from one (1) town in at least one (1) county served by the interjurisdictional disaster agency.

(iv) An officer or member of one (1) fire department in at least one (1) county served by the interjurisdictional disaster agency.

(v) A county or local law enforcement officer from at

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least one (1) county served by the interjurisdictional disaster agency.

(vi) A county or local public health officer from at least one (1) county served by the interjurisdictional disaster agency.

(vii) A representative of other public or private agencies or organizations in at least one (1) county served by the interjurisdictional disaster agency, including a local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, or a public or private airport.

(B) Not more than fifteen (15) members may be appointed. The number of appointments must be an odd number.

(C) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(D) After the initial approval of an agreement establishing the interjurisdictional disaster agency under subsection (c), new or replacement appointments are not effective until approved by the department of homeland security established under IC 10-19-2.

(3) The manner of financing, staffing, supplying, and maintaining a budget for the interjurisdictional disaster agency.

(4) The manner of acquiring, holding, and disposing of real and personal property used by the interjurisdictional disaster agency.

(5) The manner in which to partially or completely dissolve the interjurisdictional disaster agency.

(b) An interjurisdictional disaster agency advisory council established under subsection (a)(2) shall do the following:

(1) Exercise general supervision and control over the emergency management and disaster programs of the political subdivisions served by the interjurisdictional disaster agency.

(2) Select or cause to be selected an interjurisdictional emergency management director who:

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(A) has direct responsibility for the organization, administration, and operation of the emergency management program in the political subdivisions served by the interjurisdictional disaster agency;

(B) shall appoint staff and employees of the interjurisdictional disaster agency subject to the approval of the interjurisdictional disaster agency advisory council;

(C) is responsible to the chair of the interjurisdictional disaster agency advisory council;

(D) shall act full time in the capacity of interjurisdictional emergency management director; and

(E) must be certified as a professional emergency manager under IC 10-14-9.

(c) The political subdivisions that enter into an agreement under subsection (a) shall submit the agreement to the executive director of the department of homeland security with a request to establish an interjurisdictional disaster agency consisting of the political subdivisions that have entered into the agreement. The director shall approve or deny the request.

(d) An agreement entered into under subsection (a) takes effect when:

(1) the director approves the agreement and establishes the interjurisdictional disaster agency; and

(2) the agreement is recorded with the recorder of each county that is served by the interjurisdictional disaster agency.

A political subdivision shall file a copy of the agreement with the state board of accounts not more than sixty (60) days after the agreement takes effect.

SECTION 8. IC 10-14-3-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) The legislative body of a county may establish:

(1) one (1) primary county emergency operations center; and

(2) one (1) secondary county emergency operations center.

(b) The executive of a county that establishes a county emergency operations center shall determine the design and location of the county emergency operations center.

(c) Money from the following sources may be used for the lease, purchase, construction, or maintenance of a county emergency operations center, including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center:

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1 (1) Emergency telephone system fees under IC 36-8-16-14.

2 (2) Distributions from the wireless emergency telephone
3 system fund established under IC 36-8-16.5-21.

4 SECTION 9. IC 10-14-9 IS ADDED TO THE INDIANA CODE AS
5 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2006]:

7 **Chapter 9. Professional Emergency Manager Certification**

8 **Sec. 1.** As used in this chapter, "county organization" means a
9 county emergency management organization established and
10 maintained by a county under IC 10-14-3-17.

11 **Sec. 2.** As used in this chapter, "disaster agency" has the
12 meaning set forth in IC 10-14-3-1.5.

13 **Sec. 3.** As used in this chapter, "emergency management
14 director" means a county emergency management director
15 selected under IC 10-14-3-17 or an interjurisdictional emergency
16 management director selected under IC 10-14-3-17.5.

17 **Sec. 4.** As used in this chapter, "manager" refers to a
18 professional emergency manager certified under this chapter.

19 **Sec. 5.** Except as provided in IC 10-14-3-17(f) and section 6 of
20 this chapter:

21 (1) an emergency management director must be certified as a
22 manager under this chapter; and

23 (2) a county organization or disaster agency must be
24 supervised by an emergency management director who is
25 certified as a manager under this chapter.

26 **Sec. 6. (a)** A vacancy in a position of emergency management
27 director may be filled for not more than two (2) years by an
28 individual with a provisional certificate.

29 **(b)** On written request of the county emergency management
30 advisory council or interjurisdictional disaster agency advisory
31 council, the agency may issue a provisional certificate to an
32 individual who has been selected to fill a vacancy in a position of
33 emergency management director.

34 **(c)** A provisional certificate expires on the earliest of the
35 following:

36 (1) The date the individual vacates the position of emergency
37 management director for the county or disaster agency that
38 requested the provisional certificate.

39 (2) The date the individual obtains certification as a manager
40 under this chapter.

41 (3) Two (2) years after the date the provisional certificate is
42 issued.

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1 **Sec. 7. (a) To be certified as a manager, an individual must:**

2 (1) meet the standards for education and training established
3 by the agency; and

4 (2) successfully complete a written competency examination
5 approved by the agency.

6 **(b) A manager certificate expires two (2) years after the date the**
7 **certificate is issued. To renew a certificate, a manager must meet**
8 **the education and training renewal standards established by the**
9 **agency.**

10 **(c) A manager must comply with the standards established by**
11 **the agency.**

12 **Sec. 8. (a) A manager shall keep the agency informed of the**
13 **operations of the county organization or disaster agency that**
14 **employs the manager or supervises the manager's activities.**

15 **(b) A manager shall report to the agency any action by a person,**
16 **an organization, or another entity that may justify the revocation**
17 **or suspension of a certificate issued by the agency to the person,**
18 **organization, or other entity.**

19 **Sec. 9. The agency shall require an individual to complete:**

20 (1) education and training requirements for certification as a
21 manager; and

22 (2) continuing education and training requirements to
23 maintain certification as a manager;

24 **that are set by the agency.**

25 **Sec. 10. (a) The agency may establish standards and impose**
26 **requirements on an education and training course used to fulfill the**
27 **requirements of section 9 of this chapter, including a continuing**
28 **education course.**

29 **(b) The agency may establish a certification program for**
30 **instructors who conduct an education and training course used to**
31 **fulfill the requirements of section 9 of this chapter, including a**
32 **continuing education course.**

33 **Sec. 11. (a) The agency shall adopt rules under IC 4-22-2 to**
34 **implement this chapter.**

35 **(b) The rules adopted by the agency may establish more than**
36 **one (1) level of certification for managers, with different:**

37 (1) education and training standards;

38 (2) competency examinations; and

39 (3) continuing education requirements;

40 **established for each level.**

41 **Sec. 12. An individual who violates this chapter is subject to**
42 **IC 10-14-11.**

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1 **Sec. 13. An individual who violates this chapter commits a Class**
 2 **C infraction. Each day of violation constitutes a separate**
 3 **infraction.**

4 SECTION 10. IC 10-14-10 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2006]:

7 **Chapter 10. Certification of Emergency Management**
 8 **Organizations**

9 **Sec. 1. As used in this chapter, "certified emergency**
 10 **management organization" means:**

11 (1) a county organization; or

12 (2) a disaster agency;

13 **that is certified under this chapter.**

14 **Sec. 2. As used in this chapter, "county organization" means a**
 15 **county emergency management organization established and**
 16 **maintained under IC 10-14-3-17.**

17 **Sec. 3. As used in this chapter, "disaster agency" has the**
 18 **meaning set forth in IC 10-14-3-1.5.**

19 **Sec. 4. As used in this chapter, "emergency management**
 20 **director" means a county emergency management director**
 21 **selected under IC 10-14-3-17 or an interjurisdictional emergency**
 22 **management director selected under IC 10-14-3-17.5.**

23 **Sec. 5. As used in this chapter, "manager" refers to a**
 24 **professional emergency manager certified under IC 10-14-9.**

25 **Sec. 6. A county organization or disaster agency must meet the**
 26 **standards established by the agency to be certified as an emergency**
 27 **management organization.**

28 **Sec. 7. (a) An emergency management organization certificate**
 29 **expires two (2) years after the date the certificate is issued.**

30 **(b) A certified emergency management organization must meet**
 31 **the renewal requirements established by the agency to renew a**
 32 **certificate.**

33 **Sec. 8. A certified emergency management organization must be**
 34 **operated in a safe, efficient, and effective manner in accordance**
 35 **with the standards established by the agency and with the**
 36 **following requirements:**

37 (1) If the county is required to maintain a county
 38 organization, the county shall have an emergency
 39 management advisory council in accordance with
 40 IC 10-14-3-17(b).

41 (2) An ordinance, a resolution, or another measure adopted
 42 by:

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- 1 (A) a county to establish a county emergency management
- 2 organization or an emergency management program; or
- 3 (B) a disaster agency to establish an emergency
- 4 management program;
- 5 is not effective until it is approved by the agency.
- 6 (3) The emergency management director of a certified
- 7 emergency management organization must:
- 8 (A) be certified as a manager under IC 10-14-9;
- 9 (B) act full time in the capacity of county emergency
- 10 management director; and
- 11 (C) for a county organization, be a full-time employee of:
- 12 (i) the county; or
- 13 (ii) one (1) of two (2) counties acting jointly under
- 14 IC 36-1-7.
- 15 (4) A certified emergency management organization must
- 16 have a current disaster emergency plan in accordance with
- 17 IC 10-14-3-17(j). The plan must meet the standards
- 18 established by the agency.
- 19 (5) The agency may require the submission of periodic reports
- 20 from a certified emergency management organization. A
- 21 certified emergency management organization must submit
- 22 the reports in the manner and with the frequency required by
- 23 the agency.
- 24 (6) A certified emergency management organization shall
- 25 report to the agency the actions of a person, an organization,
- 26 or an entity that may justify the revocation or suspension of
- 27 a certificate issued by the agency to the person, organization,
- 28 or entity.
- 29 Sec. 9. The agency shall adopt rules under IC 4-22-2 to
- 30 implement this chapter.
- 31 Sec. 10. A county organization or disaster agency that violates
- 32 this chapter is subject to IC 10-14-11.
- 33 SECTION 11. IC 10-14-11 IS ADDED TO THE INDIANA CODE
- 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2006]:
- 36 Chapter 11. Sanctions
- 37 Sec. 1. As used in this chapter, "certificate holder" means a
- 38 person who holds a certificate issued under IC 10-14-9 or
- 39 IC 10-14-10.
- 40 Sec. 2. As used in this chapter, "person" means:
- 41 (1) an individual;
- 42 (2) a county emergency management organization established

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1 and maintained under IC 10-14-3-17; or

2 (3) an interjurisdictional disaster agency in which a county
3 participates under IC 10-14-3-17.

4 **Sec. 3. A certificate holder must comply with the applicable**
5 **standards and rules established under IC 10-14-9 and IC 10-14-10.**
6 **A certificate holder is subject to disciplinary sanctions under**
7 **section 4 of this chapter if the agency determines that the**
8 **certificate holder:**

9 (1) engaged in or knowingly cooperated in fraud or material
10 deception in order to obtain a certificate, including cheating
11 on a certification examination;

12 (2) engaged in fraud or material deception in the course of
13 professional services or activities;

14 (3) falsified or knowingly allowed another person to falsify
15 attendance records or certificates of completion of continuing
16 education courses required under IC 10-14-9 or IC 10-14-10
17 or rules adopted under IC 10-14-9 or IC 10-14-10;

18 (4) has been or is convicted of a felony;

19 (5) has been or is convicted of a misdemeanor, if the act that
20 resulted in the conviction has a direct bearing on determining
21 if the certificate holder should be entrusted to act as a
22 professional emergency manager;

23 (6) fails to comply and maintain compliance with or violates
24 any applicable provision, standard, or other requirement of
25 IC 10-14-9 or IC 10-14-10 or rules adopted under IC 10-14-9
26 or IC 10-14-10;

27 (7) continues to practice after the certificate holder becomes
28 unfit to practice due to addiction to, abuse of, or dependency
29 on alcohol or other drugs that endangers the public by
30 impairing the certificate holder's ability to practice safely;

31 (8) assists another person in committing an act that would
32 constitute a ground for disciplinary sanction under this
33 chapter if committed solely by the certificate holder; or

34 (9) allows a certificate issued by the agency to be:

35 (A) used by another person; or

36 (B) displayed to the public when the certificate is expired,
37 inactive, invalid, revoked, or suspended.

38 **Sec. 4. The agency may issue an order under IC 4-21.5-3-6 to**
39 **impose at least one (1) of the following sanctions if the agency**
40 **determines that a certificate holder is subject to disciplinary**
41 **sanctions under section 3 of this chapter:**

42 (1) Revocation of a certificate holder's certificate.

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(2) Suspension of a certificate holder's certificate.

(3) Issuance of a letter of reprimand.

Sec. 5. The agency may deny certification to an applicant who would be subject to disciplinary sanctions under section 4 of this chapter if the applicant:

(1) were a certificate holder; or

(2) has practiced without a certificate in violation of the law.

In this denial of certification, the agency may prohibit the applicant from reapplying for a certificate for a period established by the agency.

Sec. 6. A decision of the agency under section 4 or 5 of this chapter may be appealed to the agency under IC 4-21.5-3-7.

Sec. 7. The agency may temporarily suspend a certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the agency finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

Sec. 8. The agency may reinstate a certificate that has been suspended under this chapter if the agency is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the agency may impose disciplinary or corrective measures authorized under this chapter.

Sec. 9. The agency may not reinstate a certificate that has been revoked under this chapter.

Sec. 10. The agency must be consistent in the application of sanctions authorized under this chapter. Significant departures from precedent set in prior decisions involving similar conduct must be explained in the agency's findings and orders.

Sec. 11. A certificate holder may not surrender the certificate holder's certificate without the written approval of the agency. The agency may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

Sec. 12. The agency shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 12. IC 36-8-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:

(1) the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;

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(2) the rates associated with the service suppliers' enhanced emergency telephone system network services;

(3) the personnel expenses of the emergency telephone system; **and**

(4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; **and**

(5) the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.

The legislative body of the unit may appropriate money in the fund only for such an expenditure.

(b) This subsection applies to a county that:

(1) imposes a fee under section 5 of this chapter; and

(2) contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

SECTION 13. IC 36-8-16.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) The wireless emergency telephone system fund is established for the ~~purpose~~ **purposes** of:

(1) creating and maintaining an enhanced wireless 911 system; and

(2) establishing and maintaining a county emergency operations center (as defined in IC 10-14-3-3.5).

(b) The expenses of administering the fund must be paid from money in the fund.

SECTION 14. IC 36-8-16.5-39, AS AMENDED BY P.L.146-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) Except as provided by section 26 of this chapter and subsections (b) and (c), the fund must be managed in the following manner:

(1) Three cents (\$0.03) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account to be used to reimburse:

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(A) CMRS providers, PSAPs, and the board for costs associated with implementation of phase two (2) of the FCC order; and

(B) the board for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by CMRS providers or PSAPs.

A CMRS provider or a PSAP may recover costs under this chapter if the costs are incurred before July 1, 2005, and invoiced to the board not later than December 31, 2005. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers and PSAPs under this subdivision.

(2) At least twenty-five cents (\$0.25) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account and used to reimburse CMRS providers for the actual costs incurred by the CMRS providers before July 1, 2005, in complying with the wireless 911 requirements established by the FCC order and rules that are adopted by the FCC under the FCC order, including costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the costs of operating the service. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers under this subdivision. The CMRS provider may only request funds for true cost recovery. The board may increase the amount held in escrow under this subdivision not more than one (1) time a calendar year. If the board adjusts the wireless emergency 911 fee under section 26(a) of this chapter within a calendar year, an adjustment to the amount held in escrow under this subdivision for the calendar year must be made at that time.

(3) Two percent (2%) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this percentage at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(4) The remainder of the wireless emergency 911 fee collected from each subscriber must be distributed in the following manner:

(A) The board shall distribute on a monthly basis to each county containing one (1) or more eligible PSAPs, as

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identified by the county in the notice required under section 40 of this chapter, a part of the remainder based upon the county's percentage of the state's population (as reported in the most recent official United States census). A county must use a distribution received under this clause to make distributions to PSAPs that:

(i) are identified by the county under section 40 of this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service; for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(B) The amount of the fee remaining, if any, after the distributions required under clause (A) must be distributed in equal shares between the escrow accounts established under subdivisions (1) and (2).

(b) Notwithstanding the requirements described in subsection (a), the board may transfer money between and among the accounts in subsection (a) in accordance with the following procedures:

(1) For purposes of acting under this subsection, the board must have a quorum consisting of at least one (1) member appointed under section 18(c)(2) of this chapter and at least one (1) member appointed under section 18(c)(3) of this chapter.

(2) A transfer under this subsection must be approved by the affirmative vote of:

(A) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(2) of this chapter; and

(B) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(3) of this chapter.

(3) The board may make transfers only one (1) time during a calendar year.

(4) The board may not make a transfer that:

(A) impairs cost recovery by CMRS providers or PSAPs; or

(B) impairs the ability of the board to fulfill its management and administrative obligations described in this chapter.

(c) If all CMRS providers have been reimbursed for their costs under this chapter, and the fee has been reduced under section 26(c) of this chapter, the board shall manage the fund in the following manner:

(1) One cent (\$0.01) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the

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board's expenses in administering this chapter. However, the board may increase this amount at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(2) Thirty-eight and three tenths cents (\$0.383) of the wireless emergency 911 fee collected from each subscriber must be distributed to each county containing at least one (1) PSAP, as identified in the county notice required by section 40 of this chapter. The board shall make these distributions in the following manner:

(A) The board shall distribute on a monthly basis to each eligible county thirty-four and four tenths cents (\$0.344) of the wireless emergency 911 fee based upon the county's percentage of the state's population.

(B) The board shall distribute on a monthly basis to each eligible county three and nine tenths cents (\$0.039) of the wireless emergency 911 fee equally among the eligible counties. A county must use a distribution received under this clause to reimburse PSAPs that:

(i) are identified by the county under section 40 of this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

~~(C) The board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section.~~

(3) If the fee has been reduced under section 26(c) of this chapter, **and if the board has made the distributions under subdivisions (1) and (2), the board may use money remaining in the accounts for a purpose set forth in section 41.5 of this chapter.**

(4) If the fee has been reduced under section 26(c) of this

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chapter, and if money remains in the accounts after a distribution under subdivision (3), the board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section. The board shall determine how money remaining in the accounts or money for uses described in subsection (a) is to be allocated into the accounts described in this subsection or used for distributions under ~~this subsection~~ subdivisions (1) and (2).

This subsection does not affect the transfer provisions set forth in subsection (b).

SECTION 15. IC 36-8-16.5-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 41.5. (a) A county shall use its distribution made under section 39 of this chapter for the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.**

(b) If:

- (1) the board receives a written complaint alleging that a county has used money received under section 39 of this chapter in a manner that is inconsistent with this chapter; and**
- (2) a majority of the board votes to conduct an audit of the county;**

the board may contract with a third party auditor to audit the county to determine whether the county has used money received under this chapter in a manner consistent with this chapter.

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SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 285.

WYSS

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 285 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 285 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. "Authorized emergency vehicle" means the following:

- (1) The following vehicles:
 - (A) Fire department vehicles.
 - (B) Police department vehicles.
 - (C) Ambulances.
 - (D) Emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-22-8.
- (2) Vehicles designated as emergency vehicles by the Indiana department of transportation under IC 9-21-20-1.
- (3) Motor vehicles that, subject to IC 9-21-20-2, are approved by the Indiana emergency medical services commission that are:
 - (A) ambulances that are owned by persons, firms, limited liability companies, or corporations other than hospitals; or
 - (B) not ambulances and that provide emergency medical

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services, including extrication and rescue services (as defined in IC 16-18-2-110).

(4) Vehicles of the department of correction that, subject to IC 9-21-20-3, are:

(A) designated by the department of correction as emergency vehicles; and

(B) responding to an emergency.

(5) Vehicles of the department of homeland security established under IC 10-19-2-1 that are designated by the department of homeland security as emergency vehicles.

(6) Vehicles of a county emergency management organization established under IC 10-14-3-17 or an interjurisdictional disaster agency established under IC 10-14-3-17.5 that are designated by the county emergency management organization or interjurisdictional disaster agency as emergency vehicles."

Page 1, line 4, delete "or a local disaster agency." and insert ".".

Page 1, delete lines 10 through 13.

Page 5, reset in roman lines 9 through 10.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"(e) Notwithstanding subsection (c), after December 31, 2006, the county executive shall, by resolution or ordinance, appoint the members of the county emergency management advisory council in accordance with the following:

(1) At least one (1) representative from each of the following categories:

(A) An elected county official, including a member of the county executive or a member of the county fiscal body.

(B) An elected city official from a city in the county, if there is a city in the county.

(C) An elected town official from a town in the county.

(D) An officer or member of a fire department located within the county.

(E) A law enforcement officer of the county or a unit of government in the county.

(F) A public health officer of the county or a unit of government in the county.

(G) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a

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disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

(2) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(3) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(4) Appointments are not effective until approved by the department of homeland security established under IC 10-19-2."

Page 5, line 11, delete "(e)" and insert "(f)".

Page 5, line 31, delete "(f)" and insert "(g)".

Page 5, line 42, delete "(g)" and insert "(h)".

Page 6, line 24, delete "(h)" and insert "(i)".

Page 6, line 34, delete "(i)" and insert "(j)".

Page 7, line 4, delete "(j)" and insert "(k)".

Page 7, line 8, delete "(k)" and insert "(l)".

Page 7, line 14, delete "(l)" and insert "(m)".

Page 8, line 21, delete "(m)" and insert "(n)".

Page 8, line 26, delete "(n)" and insert "(o)".

Page 8, line 40, delete "include the following individuals, or their" and insert "comply with the following:

(A) At least one (1) representative from each of the following categories:

(i) An elected county official, including a member of the county executive or a member of the county fiscal body.

(ii) An elected city official from a city in the county, if there is a city in the county.

(iii) An elected town official from a town in the county.

(iv) An officer or member of a fire department located within the county.

(v) A law enforcement officer of the county or a unit of government in the county.

(vi) A public health officer of the county or a unit of government in the county.

(vii) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider,

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a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

(B) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(C) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(D) After the initial approval of an agreement establishing the interjurisdictional disaster agency under subsection (c), new or replacement appointments are not effective until approved by the department of homeland security established under IC 10-19-2."

Page 8, delete lines 41 through 42.

Page 9, delete lines 1 through 15.

Page 13, line 28, after "(C)" insert "for a county organization,".

Renumber all SECTIONS consecutively.

(Reference is to SB 285 as printed January 18, 2006.)

WYSS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 39, delete "(c)," and insert "(d),".

Page 6, line 14, delete "and" and insert "or".

Page 6, line 21, delete "and" and insert "or".

Page 6, line 29, after "the" insert "agency".

Page 6, delete lines 30 through 31.

Page 7, line 22, strike "governor" and insert "director".

Page 7, line 27, strike "governor" and insert "director".

Page 8, line 25, after "local" insert "agency".

Page 8, line 29, after "local" insert "agency".

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Page 10, delete lines 22 through 41, begin a new line triple block indented and insert:

- "(i) An elected county official, including a member of the county executive or fiscal body, from each county served by the interjurisdictional disaster agency.**
- (ii) An elected city official from one (1) city in each county served by the interjurisdictional disaster agency, if there is a city in a county served by the interjurisdictional disaster agency.**
- (iii) An elected town official from one (1) town in each county served by the interjurisdictional disaster agency.**
- (iv) An officer or member of one (1) fire department in each county served by the interjurisdictional disaster agency.**
- (v) A county or local law enforcement officer from each county served by the interjurisdictional disaster agency.**
- (vi) A county or local public health officer from each county served by the interjurisdictional disaster agency.**
- (vii) A representative of other public or private agencies or organizations in each county served by the interjurisdictional disaster agency, including a local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, or a public or private airport."**

Page 12, line 5, delete "If the director approves the".

Page 12, delete lines 6 through 7.

Page 12, line 10, delete "governor" and insert "**director**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 285 as reprinted January 25, 2006.)

RUPPEL, Chair

Committee Vote: yeas 7, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 285 be amended to read as follows:

Page 10, line 25, delete "each" and insert "**at least one (1)**".
 Page 10, line 29, delete "each" and insert "**at least one (1)**".
 Page 10, line 32, delete "each" and insert "**at least one (1)**".
 Page 10, line 34, delete "each" and insert "**at least one (1)**".
 Page 10, line 36, delete "each" and insert "**at least one (1)**".
 Page 10, line 39, delete "each" and insert "**at least one (1)**".
 Page 11, line 5, delete "thirteen (13)" and insert "**fifteen (15)**".

(Reference is to ESB as printed February 14, 2006.)

RUPPEL

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 285 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:
 "SECTION 3. IC 10-14-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. As used in this chapter, "county emergency operations center" means a facility used by a county emergency management organization or an interjurisdictional disaster agency to perform emergency direction and control functions before, during, and after an emergency."**

Page 12, between lines 20 and 21, begin a new paragraph and insert:
 "SECTION 8. IC 10-14-3-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 35. (a) The legislative body of a county may establish:**

- (1) one (1) primary county emergency operations center; and**
- (2) one (1) secondary county emergency operations center.**

(b) The executive of a county that establishes a county emergency operations center shall determine the design and location of the county emergency operations center.

(c) Money from the following sources may be used for the lease, purchase, construction, or maintenance of a county emergency operations center, including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center:

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- (1) Emergency telephone system fees under IC 36-8-16-14.**
(2) Distributions from the wireless emergency telephone system fund established under IC 36-8-16.5-21."

Page 18, after line 11, begin a new paragraph and insert:

"SECTION 12. IC 36-8-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:

- (1) the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;
- (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;
- (3) the personnel expenses of the emergency telephone system;
and
- (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee;
and
- (5) the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.**

The legislative body of the unit may appropriate money in the fund only for such an expenditure.

(b) This subsection applies to a county that:

- (1) imposes a fee under section 5 of this chapter; and
- (2) contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

SECTION 13. IC 36-8-16.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) The wireless emergency telephone system fund is established for the ~~purpose~~ **purposes** of:

- (1) creating and maintaining an enhanced wireless 911 system;
and
- (2) establishing and maintaining a county emergency operations center (as defined in IC 10-14-3-3.5).**



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(b) The expenses of administering the fund must be paid from money in the fund.

SECTION 14. IC 36-8-16.5-39, AS AMENDED BY P.L.146-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) Except as provided by section 26 of this chapter and subsections (b) and (c), the fund must be managed in the following manner:

(1) Three cents (\$0.03) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account to be used to reimburse:

(A) CMRS providers, PSAPs, and the board for costs associated with implementation of phase two (2) of the FCC order; and

(B) the board for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by CMRS providers or PSAPs.

A CMRS provider or a PSAP may recover costs under this chapter if the costs are incurred before July 1, 2005, and invoiced to the board not later than December 31, 2005. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers and PSAPs under this subdivision.

(2) At least twenty-five cents (\$0.25) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account and used to reimburse CMRS providers for the actual costs incurred by the CMRS providers before July 1, 2005, in complying with the wireless 911 requirements established by the FCC order and rules that are adopted by the FCC under the FCC order, including costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the costs of operating the service. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers under this subdivision. The CMRS provider may only request funds for true cost recovery. The board may increase the amount held in escrow under this subdivision not more than one (1) time a calendar year. If the board adjusts the wireless emergency 911 fee under section 26(a) of this chapter within a calendar year, an adjustment to the amount held in escrow under this subdivision for the calendar year must be made at that time.

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(3) Two percent (2%) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this percentage at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(4) The remainder of the wireless emergency 911 fee collected from each subscriber must be distributed in the following manner:

(A) The board shall distribute on a monthly basis to each county containing one (1) or more eligible PSAPs, as identified by the county in the notice required under section 40 of this chapter, a part of the remainder based upon the county's percentage of the state's population (as reported in the most recent official United States census). A county must use a distribution received under this clause to make distributions to PSAPs that:

- (i) are identified by the county under section 40 of this chapter as eligible for distributions; and
- (ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(B) The amount of the fee remaining, if any, after the distributions required under clause (A) must be distributed in equal shares between the escrow accounts established under subdivisions (1) and (2).

(b) Notwithstanding the requirements described in subsection (a), the board may transfer money between and among the accounts in subsection (a) in accordance with the following procedures:

(1) For purposes of acting under this subsection, the board must have a quorum consisting of at least one (1) member appointed under section 18(c)(2) of this chapter and at least one (1) member appointed under section 18(c)(3) of this chapter.

(2) A transfer under this subsection must be approved by the affirmative vote of:

(A) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(2) of this chapter; and

(B) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(3) of this chapter.

(3) The board may make transfers only one (1) time during a

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calendar year.

(4) The board may not make a transfer that:

- (A) impairs cost recovery by CMRS providers or PSAPs; or
- (B) impairs the ability of the board to fulfill its management and administrative obligations described in this chapter.

(c) If all CMRS providers have been reimbursed for their costs under this chapter, and the fee has been reduced under section 26(c) of this chapter, the board shall manage the fund in the following manner:

(1) One cent (\$0.01) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this amount at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(2) Thirty-eight and three tenths cents (\$0.383) of the wireless emergency 911 fee collected from each subscriber must be distributed to each county containing at least one (1) PSAP, as identified in the county notice required by section 40 of this chapter. The board shall make these distributions in the following manner:

(A) The board shall distribute on a monthly basis to each eligible county thirty-four and four tenths cents (\$0.344) of the wireless emergency 911 fee based upon the county's percentage of the state's population.

(B) The board shall distribute on a monthly basis to each eligible county three and nine tenths cents (\$0.039) of the wireless emergency 911 fee equally among the eligible counties. A county must use a distribution received under this clause to reimburse PSAPs that:

- (i) are identified by the county under section 40 of this chapter as eligible for distributions; and
- (ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

~~(C) The board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the~~

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proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section:

(3) If the fee has been reduced under section 26(c) of this chapter, and if the board has made the distributions under subdivisions (1) and (2), the board may use money remaining in the accounts for a purpose set forth in section 41.5 of this chapter.

(4) If the fee has been reduced under section 26(c) of this chapter, and if money remains in the accounts after a distribution under subdivision (3), the board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section. The board shall determine how money remaining in the accounts or money for uses described in subsection (a) is to be allocated into the accounts described in this subsection or used for distributions under this subsection: subdivisions (1) and (2).

This subsection does not affect the transfer provisions set forth in subsection (b).

SECTION 15. IC 36-8-16.5-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41.5. (a) A county shall use its distribution made under section 39 of this chapter for the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.

(b) If:

- (1) the board receives a written complaint alleging that a county has used money received under section 39 of this chapter in a manner that is inconsistent with this chapter; and
- (2) a majority of the board votes to conduct an audit of the county;

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the board may contract with a third party auditor to audit the county to determine whether the county has used money received under this chapter in a manner consistent with this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 285 as printed February 14, 2006.)

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